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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 26th December, 1983/Pausa 5, 1905 (Saka)

The following Act of Parliament received the assent of the President on the 25th December, 1983 and is hereby published for general information:—

THE MINES (AMENDMENT) ACT, 1983

No. 42 OF 1983

[*25th December*, 1983.]

An Act further to amend the Mines Act, 1952.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Mines (Amendment) Act, 1983.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

35 of 1952.

Amendment of section 2.

2. In the Mines Act, 1952 (hereinafter referred to as the principal Act), in section 2, in sub-section (*1*),—

(*i*) clause (*a*) shall be omitted;

(*ii*) for clause (*c*), the following clause shall be substituted, namely:—

'(*c*) "agent", when used in relation to a mine, means every person, whether appointed as such or not, who, acting or purporting to act on behalf of the owner, takes part in the manage-

ment, control, supervision or direction of the mine or of any part thereof;';

(*iii*) for clause (*e*), the following clause shall be substituted, namely:—

'(*e*) "Committee" means a committee constituted under section 12;';

(*iv*) for clause (*h*), the following clause shall be substituted, namely:—

'(*h*) a person is said to be "employed" in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not—

(*i*) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of despatch and of gathering sand and transport thereof to the mine);

(*ii*) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(*iii*) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(*iv*) in operations, within the premises of the mine, of loading for despatch of minerals;

(*v*) in any office of the mine;

(*vi*) in any welfare, health, sanitary or conservancy services required to be provided under this Act, or watch and ward, within the premises of the mine excluding residential area; or

(*vii*) in any kind of work whatsoever which is preparatory or incidental to, or connected with, mining operations;';

(*v*) clause (*ii*) shall be omitted;

(*vi*) for clause (*j*), the following clause shall be substituted, namely:—

'(*j*) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes—

(*i*) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;

(*ii*) all shafts, in or adjacent to and belonging to a mine whether in the course of being sunk or not;

(*iii*) all levels and inclined planes in the course of being driven;

(*iv*) all open cast workings;

(*v*) all conveyors or aerial ropeways provided for the bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

(*vi*) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;

(*vii*) all protective works being carried out in or adjacent to a mine;

(*viii*) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;

(*ix*) all power stations, transformer sub-stations, convertor stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

(*x*) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;

(*xi*) any premises in or adjacent to and belonging to a mine on which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;';

(*vii*) clause (*jjj*) shall be omitted;

(*viii*) in clause (*l*),—

(*a*) the words "and in the case of a mine owned by a company, the business whereof is being carried on by a managing agent, such managing agent" shall be omitted;

(*b*) for the words "any contractor", the words "any contractor or sub-lessee" shall be substituted;

(*ix*) for clause (*n*), the following clause shall be substituted, namely:—

'(*n*) "qualified medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (*h*) of section 2 of the Indian Medical Council Act, 1956 and who is enrolled on a State medical register as defined in clause (*k*) of that section;';

102 of 1956.

(*x*) after clause (*p*), the following clause shall be inserted, namely:—

'(*pp*) "reportable injury" means any injury other than a serious bodily injury which involves, or in all probability will involve, the enforced absence of the injured person from work for a period of seventy-two hours or more;';

(*xi*) for clauses (*q*) and (*r*), the following clauses shall be substituted, namely:—

'(*q*) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section

of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or one or more joints or bones of any phalanges of hand or foot;

(*r*) "week" means a period of seven days beginning at mid-night on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector or an Inspector.'.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*1*),—

(*a*) in the opening portion, for the words and figures "sections 7, 8, 9, 44, 45 and 46", the words and figures "sections 7, 8, 9, 40, 45 and 46" shall be substituted;

(*b*) in clause (*b*),—

(*i*) after the words "building stone,", the word "slate," shall be inserted;

(*ii*) after the words "fullers earth", the words ", marl, chalk" shall be inserted.

Amendment of section 5.

4. In section 5 of the principal Act, in the proviso to sub-section (*3*), for the word and figures "section 22", the words, figures and letter "section 22 or section 22A" shall be substituted.

Amendment of section 7.

5. In section 7 of the principal Act, in sub-section (*2*),—

(*a*) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted; 5 of 1898. 2 of 1974.

(*b*) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

Amendment of section 8.

6. In section 8 of the principal Act,—

(*a*) after the words "levelling or measuring any mine", the words "or any output therefrom" shall be inserted;

(*b*) after the words "level or measure the mine or any part thereof", the words "or any output therefrom" shall be inserted.

Insertion of new section 9A.

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Facilities to be provided for occupational health survey.

"9A. (*1*) The Chief Inspector or an Inspector or other officer authorised by him in writing in this behalf may, at any time during the normal working hours of the mine or at any time by day or night as may be necessary, undertake safety and occupational health survey in a mine after giving notice in writing to the manager of the mine; and the owner, agent or manager of the mine shall afford all necessary facilities (including facilities for the examination and testing of plant and machinery, for the collection of samples and other date pertaining to the survey and for the transport and

examination of any person employed in the mine chosen for the survey) to such Inspector or officer.

(2) Every person employed in a mine who is chosen for examination in any safety and occupational health survey under sub-section (1) shall present himself for such examination and at such place as may be necessary and shall furnish all information regarding his work and health in connection with the said survey.

(3) The time spent by any person employed in a mine who is chosen for examination in the safety and occupational health survey, shall be counted towards his working time, so however that any overtime shall be paid at the ordinary rate of wages.

Explanation.—For the purposes of this sub-section, "ordinary rate of wages" means the basic wages *plus* any dearness allowance and underground allowance and compensation in cash including such compensation, if any, accruing through the free issue of foodgrains and edible oils as persons employed in a mine may, for the time being, be entitled to, but does not include a bonus (other than a bonus given as incentive for production) or any compensation accruing through the provision of amenities such as free housing, free supply of coal, medical and educational facilities, sickness allowance, supply of kerosene oil, baskets, tools and uniforms.

(4) Any person who, on examination under sub-section (2), is found medically unfit to discharge the duty which he was discharging in a mine immediately before such presentation shall be entitled to undergo medical treatment at the cost of the owner, agent and manager with full wages during the period of such treatment.

(5) If, after the medical treatment, the person referred to in sub-section (4) is declared medically unfit to discharge the duty which he was discharging in a mine immediately before presenting himself for the said examination and such unfitness is directly ascribable to his employment in the mine before such presentation, the owner, agent and manager shall provide such person with an alternative employment in the mine for which he is medically fit:

Provided that where no such alternative employment is immediately available, such person shall be paid by the owner, agent and manager disability allowance determined in accordance with the rates prescribed in this behalf:

Provided further that where such person decides to leave his employment in the mine, he shall be paid by the owner, agent and manager a lump sum amount by way of disability compensation determined in accordance with the rates prescribed in this behalf.

(6) The rates under the provisos to sub-section (5) shall be determined having regard to the monthly wages of the employees, the nature of disabilities and other related factors.".

Amendment of section 10.

8. In section 10 of the principal Act,—

(*a*) in sub-section (*1*), after the word "inspection", the words "or survey" and after the word and figure "section 8", the words, figure and letter "or section 9A" shall be inserted;

(*b*) in sub-section (*2*),—

(*i*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) a Committee or court of inquiry constituted or appointed under section 12 or section 24, as the case may be;";

(*ii*) for clause (*e*), the following clauses shall be substituted, namely:—

"(*e*) the Controller, Indian Bureau of Mines;

(*f*) any registered or recognised trade union;

(*g*) such other officer, authority or organisation as may be specified in this behalf by the Central Government.".

Amendment of section 11.

9. In section 11 of the principal Act, in sub-section (*4*), clause (*a*) and sub-clause (*ii*) of clause (*c*) shall be omitted.

Substitution of new sections for sections 12, 13 and 14.

10. For the heading "MINING BOARDS AND COMMITTEES", occurring immediately before section 12 of the principal Act, and for sections 12, 13 and 14 of the principal Act, the following heading and sections shall be substituted, namely:—

"COMMITTEES

Committees.

12. (*1*) The Central Government shall, with effect from such date as that Government may, by notification in the Official Gazette, specify in this behalf, constitute for the purposes of this Act, a Committee consisting of—

(*a*) a person in the service of the Government, not being the Chief Inspector or an Inspector, appointed by the Central Government to act as Chairman;

(*b*) the Chief Inspector of Mines;

(*c*) two persons to represent the interests of miners appointed by the Central Government;

(*d*) two persons to represent the interests of owners of mines appointed by the Central Government;

(*e*) two qualified mining engineers not directly employed in the mining industry, appointed by the Central Government:

Provided that one at least of the persons appointed under clause (*c*) shall be for representing the interests of workers in coal mines and one at least of the persons appointed under clause (*d*) shall be for representing the interests of owners of coal mines.

(2) Without prejudice to the generality of sub-section (1), the Central Government may constitute one or more Committees to deal with specific matters relating to any part of the territories to which this Act extends or to a mine or a group of mines and may appoint members thereof and the provisions of sub-section (1) (except the proviso thereto) shall apply for the constitution of any Committee under this sub-section as they apply for the constitution of a Committee under that sub-section.

(3) No act or proceeding of a Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

Functions of the Committee.

13. (1) The Committee constituted under sub-section (1) of section 12 shall—

(a) consider proposals for making rules and regulations under this Act and make appropriate recommendations to the Central Government;

(b) enquire into such accidents or other matters as may be referred to it by the Central Government from time to time and make reports thereon; and

(c) subject to the provisions of sub-section (2), hear and decide such appeals or objections against notices or orders under this Act or the regulations, rules or bye-laws thereunder, as are required to be referred to it by this Act or as may be prescribed.

(2) The Chief Inspector shall not take part in the proceedings of the Committee with respect to any appeal or objection against an order or notice made or issued by him or act in relation to any matter pertaining to such appeal or objection as a member of the Committee.

Powers, etc., of the Committees.

14. (1) A Committee constituted under section 12 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purposes of discharging its functions under this Act.

(2) A Committee constituted under section 12 shall, for the purposes of discharging its functions, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:—

5 of 1908.

(a) discovery and inspection;

(b) enforcing the attendance of any person and examining him on oath;

(c) compelling the production of documents; and

(d) such other matters as may be prescribed.".

Amendment of section 15.

11. In section 15 of the principal Act, for the words and figures "a Mining Board constituted under section 12 or by a Committee appointed under section 13", the words and figures "a Committee constituted under section 12" shall be substituted.

Amendment of section 16.

12. In section 16 of the principal Act, in sub-section (*1*), for the word "Director", the word "Controller" shall be substituted.

Substitution of new sections for sections 17 and 18.

13. For sections 17 and 18 of the principal Act, the following sections shall be substituted, namely:—

Managers.

"17. (*1*) Save as may be otherwise prescribed, every mine shall be under a sole manager who shall have the prescribed qualifications and the owner or agent of every mine shall appoint a person having such qualifications to be the manager:

Provided that the owner or agent may appoint himself as manager if he possesses the prescribed qualifications.

(*2*) Subject to any instructions given to him by or on behalf of the owner or agent of the mine, the manager shall be responsible for the overall management, control, supervision and direction of the mine and all such instructions when given by the owner or agent shall be confirmed in writing forthwith.

(*3*) Except in case of an emergency, the owner or agent of a mine or anyone on his behalf shall not give, otherwise than through the manager, instructions affecting the fulfilment of his statutory duties, to a person, employed in a mine, who is responsible to the manager.

Duties and responsibilities of owners, agents and managers.

18. (*1*) The owner and agent of every mine shall each be responsible for making financial and other provisions and for taking such other steps as may be necessary for compliance with the provisions of this Act and the regulations, rules, bye-laws and orders made thereunder.

(*2*) The responsibility in respect of matters provided for in the rules made under clauses (*d*), (*e*) and (*p*) of section 58 shall be exclusively carried out by the owner and agent of the mine and by such person (other than the manager) whom the owner or agent may appoint for securing compliance with the aforesaid provisions.

(*3*) If the carrying out of any instructions given under sub-section (*2*) or given otherwise than through the manager under sub-section (*3*) of section 17, results in the contravention of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder, every person giving such instructions shall also be liable for the contravention of the provisions concerned.

(*4*) Subject to the provisions of sub-sections (*1*), (*2*) and (*3*), the owner, agent and manager of every mine shall each be responsible to see that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the regulations, rules, bye-laws and orders made thereunder.

(*5*) In the event of any contravention by any person whosoever of any of the provisions of this Act or of the regulations, rules, bye-laws or orders made thereunder except those which specifically require any person to do any act or thing or prohibit any person

from doing an act or thing, besides the person who contravenes, each of the following persons shall also be deemed to be guilty of such contravention unless he proves that he had used due diligence to secure compliance with the provisions and had taken reasonable means to prevent such contravention:—

(*i*) the official or officials appointed to perform duties of supervision in respect of the provisions contravened;

(*ii*) the manager of the mine;

(*iii*) the owner and agent of the mine;

(*iv*) the person appointed, if any, to carry out the responsibility under sub-section (*2*):

Provided that any of the persons aforesaid may not be proceeded against if it appears on inquiry and investigation, that he is not *prima facie* liable.

(*6*) It shall not be a defence in any proceedings brought against the owner or agent of a mine under this section that the manager and other officials have been appointed in accordance with the provisions of this Act or that a person to carry the responsibility under sub-section (*2*) has been appointed.".

Amendment of section 19.

14. In section 19 of the principal Act, in sub-section (*2*), for the words "twenty feet", the words "six metres" shall be substituted.

Amendment of section 22.

15. In section 22 of the principal Act,—

(*a*) in sub-section (*3*), for the words "until the danger is removed", the words "until he is satisfied that the danger is removed" shall be substituted;

(*b*) after sub-section (*3*), the following sub-section shall be inserted, namely:—

"(*3A*) Every person whose employment is prohibited under sub-section (*1A*) or sub-section (*3*) shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition in employment and the owner, agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may instead of paying such full wages provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited.";

(*c*) in sub-section (*6*), for the words "which shall refer", the words "which shall, ordinarily within a period of two months from the date of receipt of the objection, refer" shall be substituted;

(*d*) in sub-section (*7*), in the proviso, for the word "requisition", the word "notice" shall be substituted.

Insertion of new section 22A.

16. After section 22 of the principal Act, the following section shall be inserted, namely:—

Power to prohibit employment in certain cases.

"22A. (*1*) Where in respect of any matter relating to safety for which express provision is made by or under this Act, the owner, agent or manager of a mine fails to comply with such provisions, the Chief Inspector may give notice in writing requiring the same to be complied with within such time as he may specify in the notice or within such extended period of time as he may, from time to time, specify thereafter.

(*2*) Where the owner, agent or manager fails to comply with the terms of a notice given under sub-section (*1*) within the period specified in such notice or, as the case may be, within the extended period of time specified under that sub-section, the Chief Inspector may, by order in writing, prohibit the employment in or about the mine or any part thereof of any person whose employment is not, in his opinion, reasonably necessary for securing compliance with the terms of the notice.

(*3*) Every person whose employment is prohibited under sub-section (*2*), shall be entitled to payment of full wages for the period for which he would have been, but for the prohibition, in employment, and the owner, agent or manager shall be liable for payment of such full wages of that person:

Provided that the owner, agent or manager may, instead of paying such full wages, provide such person with an alternative employment at the same wages which such person was receiving in the employment which was prohibited under sub-section (*2*).

(*4*) The provisions of sub-sections (*5*), (*6*) and (*7*) of section 22 shall apply in relation to a notice issued under sub-section (*1*) or an order made under sub-section (*2*) of this section as they apply in relation to a notice under sub-section (*1*) or an order under sub-section (*1A*) of that section.".

Amendment of section 23.

17. In section 23 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Whenever there occurs in or about a mine an accident causing reportable injury to any person, the owner, agent or manager of the mine shall enter in a register such occurrence in the prescribed form and copies of such entries shall be furnished to the Chief Inspector once in a quarter.";

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Central Government may, by notification in the Official Gazette, direct that accidents other than those specified in sub-sections (*1*) and (*1A*) which cause bodily injury resulting

in the enforced absence from work of the person injured for a period exceeding twenty-four hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (*1*) or sub-section (*1A*), as the case may be.";

(*c*) after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (*1*) of section 23, unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine:

Provided that where the Chief Inspector or the said Inspector fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of the accident.".

Amendment of section 27.

18. In section 27 of the principal Act, for the word and figures "section 13", the word and figures "section 12" shall be substituted.

Amendment of section 33.

19. In section 33 of the principal Act, for sub-sections (*2*) and (*3*), the following sub-section shall be substituted, namely:—

'(*2*) Where any person employed in a mine is paid on piece-rate basis, the time-rate shall be taken as equivalent to the daily average of his full-time earnings for the days on which he actually worked during the week immediately preceding the week in which overtime work has been done, exclusive of any overtime, and such time-rate shall be deemed to be the ordinary rate of wages of such person:

Provided that if such person has not worked in the preceding week on the same or identical job, the time-rate shall be based on the average for the days he has worked in the same week excluding the overtime or on the daily average of his earnings in any preceding week, whichever is higher.

Explanation.—For the purposes of this section, "ordinary rate of wages" shall have the same meaning as in the *Explanation* to sub-section (*3*) of section 9A.'.

Amendment of section 38.

20. In section 38 of the principal Act, in sub-section (*1*), after the words and figures "subject to the provisions of section 22", the words, figures and letter "and section 22A" shall be inserted.

Amendment of section 39.

21. In section 39 of the principal Act, in the opening portion, for the words "Save in respect of adolescents, the Central Government", the words "The Central Government" shall be substituted.

Substitution of new section for section 40

22. For section 40 of the principal Act, the following section shall be substituted, namely:—

Employment of persons below eighteen years of age.

'40. (*1*) After the commencement of the Mines (Amendment) Act, 1983, no person below eighteen years of age shall be allowed to work in any mine or part thereof.

(*2*) Notwithstanding anything contained in sub-section (*1*), apprentices and other trainees, not below sixteen years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager:

Provided that in the case of trainees, other than apprentices, prior approval of the Chief Inspector or an Inspector shall be obtained before they are allowed to work.

Explanation.—In this section and in section 43, "apprentice" means an apprentice as defined in clause (*a*) of section 2 of the Apprentices Act, 1961.'. 52 of 1961.

Omission of sections 41 and 42.

23. Sections 41 and 42 of the principal Act shall be omitted.

Substitution of new section for section 43.

24. For section 43 of the principal Act, the following section shall be substituted, namely:—

Power to require medical examination.

"43. (*1*) Where an Inspector is of opinion that any person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below sixteen years of age or is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a certifying surgeon and such person shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee, that he is not below sixteen years of age and is fit to work.

(*2*) Every certificate granted by a certifying surgeon on a reference under sub-section (*1*), shall, for the purpose of this Act, be conclusive evidence of the matters referred therein.".

Omission of section 44.

25. Section 44 of the principal Act shall be omitted.

26. For section 45 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 45.

"45. Subject to the provisions of sub-section (2) of section 40, after such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, no person below eighteen years of age shall be allowed to be present in any part of a mine above ground where any operation connected with or incidental to any mining operation is being carried on.". Prohibition of the presence of persons below eighteen years of age in a mine.

27. In section 48 of the principal Act, in sub-section (*1*), clause (*d*) shall be omitted. Amendment of section 48.

28. In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:— Amendment of section 49.

"Provided that if such award, agreement or contract of service, provides for a longer annual leave with wages than that provided in this Chapter, the quantum of leave, which the person employed shall be entitled to, shall be in accordance with such award, agreement or contract of service, but leave shall be regulated in accordance with the provisions of sections 50 to 56 (both inclusive) with respect to matters not provided for in such award, agreement or contract of service.".

29. In section 52 of the principal Act,— Amendment of section 52.

(*a*) in sub-section (*1*), in clause (*a*), for the words "sixteen days", the words "fifteen days" shall be substituted;

(*b*) after sub-section (*9*) and before the *Explanation,* the following sub-section shall be inserted, namely:—

"(*10*) Where a person employed in a mine is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, he or his heirs or his nominee, as the case may be, shall be entitled to wages in lieu of leave due to him calculated at the rate specified in sub-section (*1*), if,—

(*a*) in the case of a person employed below ground in a mine, he has put in attendance for not less than one-half of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death; and

(*b*) in any other case, he has put in attendance for not less than two-thirds of the total number of days from the date of his employment to the date of his discharge or dismissal or quitting of employment or superannuation or death,

and payment of such wages shall be made by the owner, agent or manager of the mine at the rate specified in section 53,

where the person is discharged or dismissed from service or quits employment or is superannuated, before the expiry of the second working day after such discharge, dismissal, quitting of employment or superannuation, as the case may be, and where the person employed dies while in service, within a period of two months of his death.";

(c) in the *Explanation*, for the words, brackets and figures "sub-sections (*1*) and (*3*)", the words, brackets and figures "sub-sections (*1*), (*3*) and (*10*)" shall be substituted.

Amendment of section 57.

30. In section 57 of the principal Act,—

(a) in clause (*j*), the words "adolescents and" shall be omitted;

(b) in clause (*q*), for the words "for providing for the safety of persons present on haulage roads", the words "for regulating the use of machinery in mines, for providing for the safety of persons employed on or near such machinery and on haulage roads" shall be substituted;

(c) in clause (*u*), for the words "for prescribing the plans, and sections and field notes connected therewith, to be kept by owners, agents and managers of mines", the words "for requiring owners, agents and managers of mines to have fixed boundaries for the mines, for prescribing the plans and sections and field notes connected therewith to be kept by them" shall be substituted;

(d) in clause (*v*), the words "for dealing effectively with the situation" shall be inserted at the end;

(e) in clause (*x*), for the words "fifty yards", the words "forty-five metres" shall be substituted.

Amendment of section 58.

31. In section 58 of the principal Act,—

(a) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) for providing the term of office and other conditions of service of, and the manner of filling vacancies among, the members of a Committee and for regulating the procedure to be followed by a Committee for transacting its business;";

(b) in clause (*c*), after the words "connected with the enquiry", the words "in the same manner as an arrear of land revenue" shall be inserted;

(c) after clause (c), the following clause shall be inserted, namely:—

"(cc) for providing for inspection of mines to be carried out on behalf of the persons employed therein by a technical expert (not less than an overman in status), the facilities therefor, the frequency at which and the manner in which such inspections are to be carried out and the manner in which reports of such inspections are to be made;";

(d) clause (*k*) shall be omitted;

(*e*) for clauses (*r*) and (*s*), the following clauses shall be substituted, namely:—

"(*r*) for requiring the establishment of rescue stations for specified mines or groups of specified mines or for all mines in a specified area and for prescribing how and by whom such stations shall be established;

(*s*) for providing for the management of rescue stations;

(*sa*) for providing for the standards of physical fitness and other qualifications of the persons constituting rescue brigades;

(*sb*) prescribing the places of residence of the persons constituting rescue brigades;";

(*f*) in clause (*t*), the word "central" shall be omitted;

(*g*) for clause (*u*), the following clause shall be substituted, namely:—

"(*u*) for providing for the levy and collection of a duty of excise (at a rate not exceeding twenty-five paise per tonne) on coke and coal produced in and despatched from mines specified under clause (*r*), the creation of a rescue stations fund for such mines, the crediting to such fund of such sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of such cess credited to the Consolidated Fund of India, the manner in which the money from such fund shall be utilised and the administration of such fund;";

(*h*) in clause (*v*), the words "and for the terms and conditions of service of persons trained in rescue work employed in mines", and the word "and" occurring at the end, shall be omitted;

(*i*) after clause (*v*), the following clause shall be inserted, namely:—

"(*vv*) for providing for the constitution of safety Committees for specified mine or groups of specified mines or for all mines in a specified area for promoting safety and for laying down the composition, manner of formation and functions of such safety Committees, and;".

Amendment of section 59.

32. In section 59 of the principal Act,—

(*a*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) No regulation or rule shall be made unless the draft thereof has been referred to the Committee constituted under sub-section (*1*) of section 12 and unless that Committee has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.";

(*b*) sub-section (*7*) shall be omitted.

Amendment of section 60.

33. In section 60 of the principal Act,—

(*a*) for the words "Mining Boards", the words "the Committee constituted under sub-section (*1*) of section 12" shall be substituted;

(*b*) in the proviso, after the words "so made", the words "shall be sent to the said Committee for information and" shall be inserted.

Amendment of section 61.

34. In section 61 of the principal Act,—

(*a*) in sub-section (*1*), for the words "for the control and guidance of the persons acting in the management of, or employed in, the mine", the words "governing the use of any particular machinery or the adoption of a particular method of working in the mine" shall be substituted;

(*b*) in sub-section (*3*), for the words "Mining Board or, where there is no Mining Board, to such officer or authority as the Central Government may, by general or special order, appoint in this behalf", the words "Committee constituted under sub-section (*1*) of section 12" shall be substituted;

(*c*) in sub-section (*4*), in clause (*a*), for the words "Mining Board or such officer or authority as aforesaid", the words "Committee constituted under sub-section (*1*) of section 12" shall be substituted.

Insertion of new section 61A.

35. After section 61 of the principal Act, the following section shall be inserted, namely:—

Laying of regulations, rules and bye-laws before Parliament.

"61A. Every regulation made under section 57, every rule made under section 58 and every bye-law made under section 61 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, rule or bye-law or both Houses agree that the regulation, rule or bye-law should not be made, the regulation, rule or bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation, rule or bye-law, as the case may be.".

Amendment of section 65.

36. In section 65 of the principal Act, for the word and figures "section 40", the word and figures "section 43" shall be substituted.

Substitution of new section for section 68.

37. For section 68 of the principal Act, the following section shall be substituted, namely:—

Penalty for employment of persons below eighteen years of age.

"68. If a person below eighteen years of age is employed in a mine in contravention of section 40, the owner, agent or manager of such mine shall be punishable with fine which may extend to five hundred rupees.".

Amendment of section 72B.

38. In section 72B of the principal Act,—

(*a*) after the word and figures "section 22", the words, brackets, figures and letter "or under sub-section (*2*) of section 22A" shall be inserted;

(*b*) the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine shall not be less than two thousand rupees.".

Amendment of section 72C.

39. In section 72C of the principal Act, in sub-section (*1*),—

(*a*) after the word and figures "section 22", the words, brackets, figures and letter "or under sub-section (*2*) of section 22A" shall be inserted;

(*b*) the following proviso shall be inserted at the end, namely:—

"Provided that in the absence of special and adequate reasons to the contrary to be recorded in writing in the judgment of the court, such fine, in the case of a contravention referred to in clause (*a*), shall not be less than three thousand rupees.".

Amendment of section 75.

40. In section 75 of the principal Act, in the proviso, for the words "Provided that", the words "Provided further that" shall be substituted, and before the proviso as so amended, the following proviso shall be inserted, namely:—

"Provided that the Chief Inspector or the district magistrate or the Inspector as so authorised shall, before instituting such prosecution, satisfy himself that the owner, agent or manager had failed to exercise all due diligence to prevent the commission of such offence.".

Amendment of section 76.

41. In section 76 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

"Provided that where a firm, association or company has given notice in writing to the Chief Inspector that it has nominated,—

(*a*) in the case of a firm, any of its partners or managers;

(*b*) in the case of an association, any of its members or managers;

(*c*) in the case of a company, any of its directors or managers,

who is resident, in each case in any place to which this Act extends and who is in each case either in fact in charge of the management of, or holds the largest number of shares in such firm, association or company, to assume the responsibility of the owner of the mine for the purposes of this Act, such partner, member, director or manager, as the case may be, shall, so long as he continues to so reside and be in charge or hold the largest number of shares as aforesaid, be deemed to be the owner of the mine for the purposes of this Act unless a notice in writing cancelling his nomination or stating that he has ceased to be a partner, member, director or manager, as the case may be, is received by the Chief Inspector.

Explanation.—Where a firm, association or company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this proviso in relation to different establishments or branches or units and the person so nominated shall, with respect only to the establishment, branch or unit in relation to which he has been nominated, be deemed to be the owner of the mine.".

Amendment of section 79.

42. In section 79 of the principal Act,—

(*a*) after clause (*ii*), the following clause shall be inserted, namely:—

"(*iia*) in any case in which the accused is or was a public servant and previous sanction of the Central Government or of the State Government or of any other authority is necessary for taking cognizance of the offence under any law for the time being in force, within three months of the date on which such sanction is received by the Chief Inspector, or";

(*b*) in clause (*iii*), for the words "six months", the words "one year" shall be substituted.

Amendment of section 80.

43. In section 80 of the principal Act, for the words "presidency magistrate or magistrate of the first class", the words "Metropolitan Magistrate or Judicial Magistrate of the first class" shall be substituted.

Omission of section 80A.

44. Section 80A of the principal Act shall be omitted.

Amendment of section 81.

45. In section 81 of the principal Act, in sub-sections (*1*) and (*2*), the words "a Mining Board or" shall be omitted.

Amendment of section 83.

46. In section 83 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words "all or any of the provisions of this Act", the words "all or any of the provisions of this Act or the regulations, rules or bye-laws" shall be substituted;

(*ii*) in the proviso, for the word and figures "section 45", the words and figures "sections 40 and 45" shall be substituted;

(*b*) in sub-section (*2*), for the words "regulations or rules under this Act", the words "regulations, rules or bye-laws" shall be substituted.

Amendment of section 84.

47. Section 84 of the principal Act shall be re-numbered as sub-section (*1*) of that section and after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(*2*) The Chief Inspector may, for reasons to be recorded in writing, reverse or modify any order passed by him under this Act or under any regulation, rule or bye-law.

(*3*) No order prejudicial to the owner, agent or manager of a mine shall be made under this section unless such owner, agent or manager has been given a reasonable opportunity of making representation.".

Insertion of new sections 85B and 85C.

48. After section 85A of the principal Act, the following sections shall be inserted, namely:—

Signing of returns, notices, etc.

"85B. All returns and notices required to be furnished or given or communications sent by or on behalf of the owner of a mine in connection with the provisions of this Act or any regulation, rule, bye-law or any order made thereunder shall be signed by the owner, agent or manager of the mine or by any person to whom power in this behalf has been delegated by the owner by a power of attorney

85C. No fee or charge shall be realised from any person employed in a mine in respect of any protective arrangements or facilities to be provided, or any equipment or appliances to be supplied under the provisions of this Act.". No fee or charge to be realised for facilities and conveniences.

49. (*1*) As from the date of constitution of the Committee under sub-section (*1*) of section 12 of the principal Act as amended by this Act— Transitory provision.

(*i*) any Mining Board constituted under section 12 of the principal Act and functioning as such on the aforesaid date shall stand dissolved;

(*ii*) the Chairman and members of any such Board, who on the aforesaid date are members of that Mining Board shall cease to hold office as such;

(*iii*) all proceedings pending on the aforesaid date in any Mining Board shall stand transferred to the said Committee which shall deal with them as if they had been pending therein.

(2) Anything done or any action taken before the aforesaid date by any Mining Board shall, so far as it is not inconsistent with any of the provisions of the principal Act as amended by this Act, be as valid and effective as if it had been done or taken by the Committee.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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